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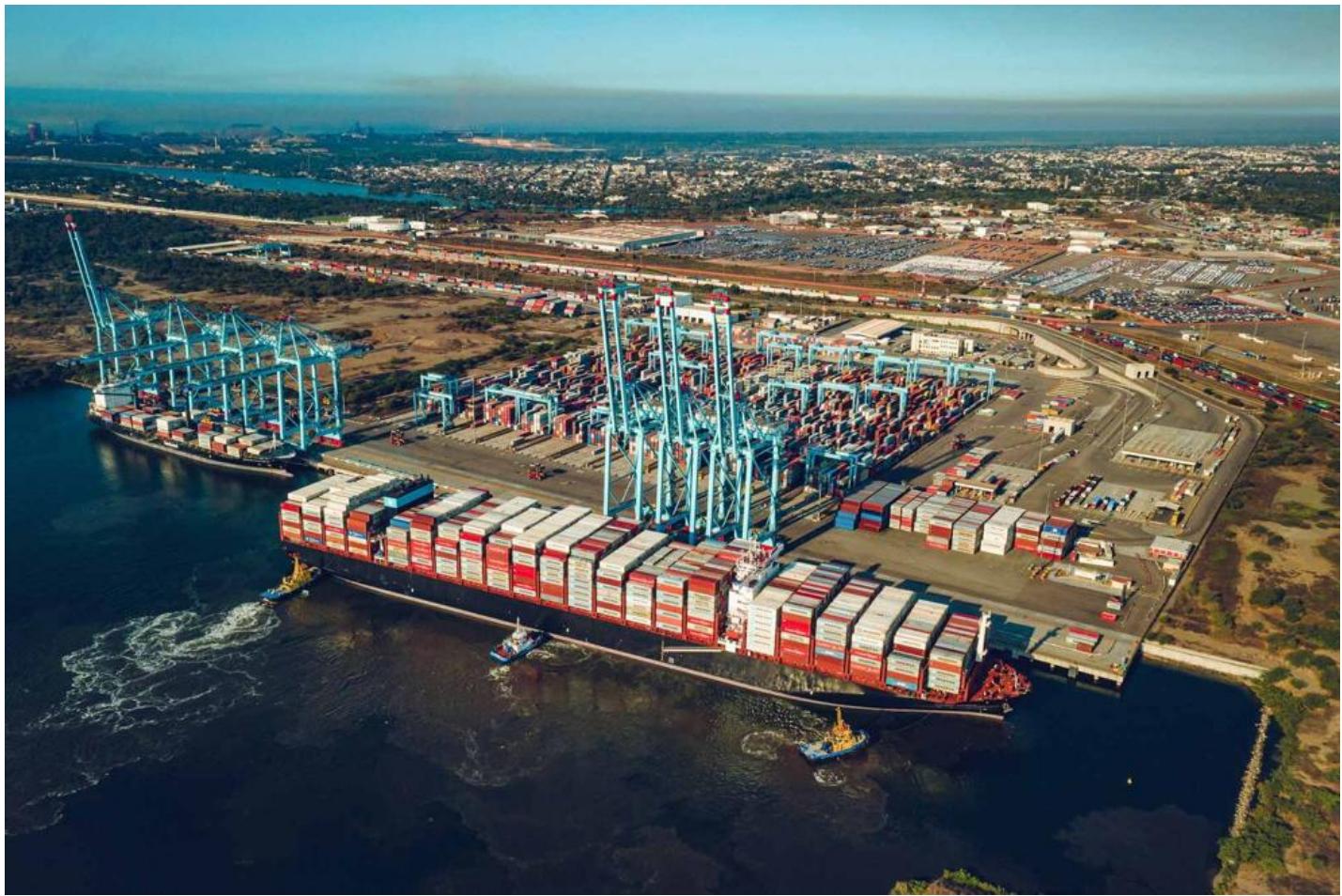
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## Judge sanctions Mobile labor union following alleged dock 'strike'

By SCOTT JOHNSON

Aug 29, 2023



The Port of Mobile Container Terminal operated by APM Terminals Mobile, a Maersk company. (Photo by APM Terminals)

A Mobile County Circuit Judge has ordered a local dockworkers union to refrain from encouraging or promoting a strike, which reportedly left cargo in gridlock at the Port of Mobile Container Terminal on Monday.

Exhibit 4

Documents filed with the court Aug. 28 alleged that union members with the Local 1410 chapter of the International Longshoreman Association (ILA) reportedly organized dockworkers at the terminal rail facility to halt operations shortly after the beginning of a Monday morning shift.

AMP Terminals Mobile — a subsidiary of the Danish shipping company Maersk — operates the local container facility on the Mobile River off of Ezra Trice Boulevard and handles a reported 500,000 twenty-foot equivalent units (TEUs) each year. The company requested a temporary restraining order Monday afternoon, calling union members' actions a "strike" and alleging it violated a standing collective bargaining agreement restricting such activity.

Maersk Media Relations Manager Kevin Doell confirmed the "unauthorized labor actions" Tuesday morning.

"APM Terminals Mobile has taken action to ensure that operations return to normal and will remain in active discussions with the local ILA leadership to ensure that normal operations resume as soon as possible," Doell said in an emailed statement.

An affidavit by APM Terminals Director of Labor Relations Wendy Robertson stated Port operations rely "heavily" on the dockworkers in question to ensure timely shipments and the actions Monday brought its facility to a "standstill."

"The current work stoppage already has seriously impaired APM's operations, and if not enjoined, will completely shut down operations," the affidavit reads. "When shipping and receiving functions are halted by labor unrest at a port like Mobile, shipping companies will take their business away to other more dependable ports."

APM Terminals, locally represented by Anne Laurie McClurkin with the Maynard Nexsen law firm, filed a supplement Tuesday morning stating they've put the local union on notice. Circuit Judge Ben H. Brooks sided with APM, issuing the restraining order and setting a hearing before Judge Jill Phillips on Sept. 7 to consider a preliminary injunction.

Brooks noted in his ruling that violation of the order would constitute contempt of court.

Local 1410 President Mark Bass said Tuesday morning he is still unsure about the situation.

"We're a little confused. There is no strike," he said in a phone interview, noting the union was notified of the legal action that same morning.

Local 1410 is an African-American union representing roughly 800 dockworkers, Bass said. The group came close to a strike against CSA Equipment Company in October 2022 while attempting to negotiate wages, according to media [reports](#).

While APM is alleging the local union has violated its labor agreement by striking, Bass said the corporation is in violation itself for choosing to "run to court" instead of following a prescribed grievance or arbitration process.

Bass declined the opportunity to discuss the specifics of the events on Aug. 28 which led to the restraining order, but said they involved "jurisdiction" and "safety." Some members were sent home for the day, he added. However, he said everything was back to normal by Tuesday morning.

"Whatever reason they're going to court with this stuff. I can't say," he said. "My guys are at work. I don't know why they're calling it a strike. We're dispatching like normal."

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**Scott Johnson**

# Mobile judge issues restraining order preventing strike at port container terminal

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The Port of Mobile's container terminal, operated by APM Terminals. On Tuesday, August 29, 2023, a Mobile County Circuit Court Judge issued a temporary restraining order, preventing unionized dock workers from striking at the container terminal. But the union says they were simply trying to raise concerns about safety. (Joe Songer | [jsonger@al.com](mailto:jsonger@al.com)). al.comal.com

By

- [Margaret Kates | mkates@al.com](mailto:Margaret.Kates@al.com)

Mobile County Circuit Judge Ben Brooks issued a temporary restraining order (TRO) Tuesday to prevent dock workers from striking at the Mobile Container Terminal, operated by APM Terminals. Next week, Circuit Judge Jill Phillips will hold hearing to determine if a preliminary injunction should be issued.

On Monday, APM Terminals filed a complaint against International Longshoremen's Association (ILA) Local 1410, alleging that union workers had engaged in a work stoppage at the container terminal's rail yard. Under their collective bargaining agreement signed in 2020, union workers are not allowed to engage in any kind of strike or lockout.

But according to Mark Bass, president of Local 1410, the workers did not engage in any kind of work stoppage. Bass says that the workers attempted to raise a safety issue to management on Monday. Management at the terminal threatened to retaliate against the workers for raising the issue and told those workers to leave – Bass says they were suspended by APM. The union workers went to work Tuesday and were told to leave again.

"They're calling it a wildcat strike, but [the workers] went to work this morning," Bass said on Tuesday.

In a statement to the Lede, Kevin Doell, North American media relations manager for Maersk, APM Terminals' parent company, said that "APM Terminals Mobile can confirm that there have been unauthorized labor actions which have disrupted operations at its rail facility. APMT Mobile has taken action to ensure that operations return to normal and will remain in active discussions with the local ILA leadership to ensure that normal operations resume as soon as possible."

Bass said that the union will continue to send workers - just not those specific workers that were suspended. And he said Local 1410 would continue to comply with the terms of the restraining order.

He says he alerted the U.S. Occupational Safety and Health Administration (OSHA), as well as the ILA-United States Maritime Alliance (USMX) Joint Safety Committee, to safety issues at the terminal.

The union says this isn't the first time that workers have raised safety issues to APM that weren't addressed. Bass says that, since 2019, the union has filed multiple grievances regarding safety issues at both the container terminal and the terminal's rail yard, but the

issues haven't been addressed through the grievance process outlined in the collective bargaining agreement.